

PURPOSE

Children and families who are deaf, deafblind, or hard of hearing must be effectively informed, notified of their rights and responsibilities, and given the opportunity to effectively participate in and benefit from programs, services, and activities. The supervising agency must remove language barriers to child welfare services as well as provide effective, equitable, understandable, and respectful quality care and services.

**RESPONSIBLE
STAFF**

The obligation to provide interpreter or translation services for individuals with limited communication skills, including speaking, hearing, reading, or writing in a language or method understood by the involved parties is required across all child welfare program areas, for both MDHHS and private child placing agencies and child caring institutions.

Private child placing agencies contracted by MDHHS to supervise children placed with the department via court order are required to provide interpreter or translations services in the same manner as the department. MDHHS will reimburse the private child placing agency for interpreter services; see *Reimbursement Procedures* in this policy.

DEFINITIONS**Deaf person**

A person who is not able to process information aurally, with or without amplification, and whose primary means of communication is visual or by receiving spoken language through other sensory input, including, but not limited to, lipreading, sign language, finger spelling, or reading.

Deafblind person

A person who has a combination of hearing loss and vision loss, and that combination necessitates specialized interpretation of spoken and written information in a manner appropriate to each person's dual sensory loss.

Hard of hearing person

A person who has hearing loss that ranges from mild to profound. A hard of hearing person uses his or her residual hearing, a hearing aid, a cochlear implant, hearing assistive technology, communication access real-time translation (CART), speech reading, or other communication strategies and remains in the hearing world.

Interpreter

An individual fluent in a language other than commonly spoken English. This includes individuals fluent in manual sign language, as well as an individual fluent in a foreign language.

Note: Per the Deaf Persons' Interpreter Act and the Qualified Interpreter-General Rules, interpreters must have certification through Department of Licensing and Regulatory Affairs (LARA).

Oral or written translation

The verbal reading or writing of a document written in one language and translated into another language.

Telephone-based interpreting

A form of remote interpreting that offers the delivery of interpreter services through telephone technology. The interpreter is at a different physical location than the consumer/service provided encounter. Telephone interpreting allows for an audio connection among the individual, supervising agency staff, and interpreter. For the most effective communication among the parties, conduct telephone interpreting with auxiliary telephone equipment, such as a dual headset or speakerphone.

Videoconferencing interpreting

A form of remote interpreting that offers the delivery of interpreter services through videoconferencing technology. In this format, the interpreter is not physically present where the consumer encounters the service provider. Videoconferencing units show a visual image of the consumer and provider to the interpreter and a visual image of the interpreter to the consumer and provider, along with an audio connection of their exchange.

POLICY

The supervising agency is responsible for assessing the need for an interpreter and an individual's preferred language or method of communication by reviewing individual statements, family member statements, statements from other representatives, or case history, if available.

Deaf, deafblind, and hard of hearing individuals must be informed that the supervising agency will arrange and pay for accommodations needed for effective communication at **all** interviews, meetings, hearings, home visits, or when requested by the client.

The supervising agency is responsible for securing the requested accommodation for the date, time, and place where the service will be required. Inform applicants or clients that a Text Telephone (TTY) exists for the MDHHS office they are attempting to access, or they may use the Michigan Relay System; see *Over-the-Phone Interpreting* in this item.

All employees who conduct home visits must provide a qualified interpreter or other appropriate method of communication when interviewing an individual who is deaf, deafblind, or hard of hearing, or when a child who is deaf, deafblind, or hard of hearing may be present, **even if there is no prior intention to interview the child.**

In selecting the appropriate auxiliary aid or service, give the individual who is deaf, deafblind, or hard of hearing the opportunity to request the auxiliary aid or service of his or her choice. Give primary consideration to the expressed choice of the individual unless another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the service, program, or activity or in undue financial and administrative burden.

A deaf, deafblind, or hard of hearing participant may request to use an **adult** family member, friend, or neighbor to assist with interpreting or facilitating communication with the supervising agency. **This allowance may not be used in lieu of and in no way lessens the supervising agency's obligation to provide and pay for appropriate auxiliary aids and services, including qualified sign language interpreters as required by federal law;** see [Michigan Standard Levels](#) to determine the type of valid Michigan issued credentials an interpreter **must** possess in order to be considered qualified.

PROCEDURE**Supervising
Agency
Responsibilities**

Caseworkers are required to complete the following steps when addressing a language barrier:

- Assess the need for interpreter or translator services.
- Invite individuals to identify themselves as persons needing language assistance.
- Inform individuals of their right to free interpreter or translation services.
- Provide individuals with written information of the right to receive services from competent interpreters or translators; see [DHS-Pub 259, American's With Disabilities Act: Knowing Your Rights](#) posted on the MDHHS internet/Inside MDHHS/Legal/Equal Opportunity.
- If the individual's primary language is determined to be other than English, indicate the language in the demographic tab of the person profile in MiSACWIS so all staff and service providers can readily identify the individual's language assistance needs.

If a disability exists, that information must be documented in the Health Needs and Diagnoses tab within the Health hyperlink in MiSACWIS.

- Secure the requested accommodation for the date, time, and place where the service is required.

**Hard of Hearing
Persons**

People who are hard of hearing may request an assistive listening device for clearer communication. The device allows for amplification of voiced messages without magnifying background sounds. In some circumstances, a quiet room or a notepad and written materials may be sufficient to permit effective communication; however, consideration must be given to the context in which the communication is taking place, the complexity

of the information being communicated, the number of people involved, and the importance of the communication.

Over-the-Phone Interpreting

Michigan Relay is a communications system that allows hearing persons and deaf and hard of hearing persons to communicate by telephone. Users may reach Michigan Relay by dialing 7-1-1. There is no additional charge for this service and no limits to the length or number of calls placed; see [MPSC/Telecommunications/Michigan Relay Service](#) for more information.

In-Person Interpreters

When in-person interpreters are needed, qualified interpreters are required. The supervising agency may contact individual interpreters directly or use an interpreter referral agency. Efforts to secure a qualified interpreter must begin as soon it becomes apparent one may be needed. Unreasonable delay in doing so may result in a legal finding of a failure to provide a required accommodation if the delay results in the unavailability of a qualified interpreter.

If providing an interpreter as an accommodation for a person who is deaf, deafblind, or hard of hearing, **the law requires the use of an interpreter who is Michigan-Certified to be qualified to interpret at the standard practice level appropriate for the type of proceeding/setting that will be taking place.** The [Michigan Online Interpreter System](#) lists interpreter guidelines and the Michigan Standard Levels for qualified interpreters.

Verify the interpreter's qualifications for the assignment by checking the Michigan Online Interpreter System before contracting and confirming interpreters for the assignment.

Note: Michigan certified interpreters are issued identification cards that indicate their current skill level and any endorsements they hold. It is standard practice to ask interpreters to show their cards.

Confirmation of Effectiveness

At the date, place, and time determined and prior to continuing with the meeting/proceeding/interview, the supervising agency must inquire of the deaf, deafblind, or hard of hearing person, through the interpreter, if the interpreter's skills will ensure effective and

accurate interpreting of the proceedings for them. If the question is answered in the negative, the proceedings must be suspended until a more qualified interpreter is obtained.

Exception: Exceptions to this procedure may be made in emergencies, such as a protective services investigation where immediate risk of harm is an issue.

Reimbursement Procedures for In- Person Interpreters

MDHHS Process

1. Confirm the interpreter is enrolled as a provider with the State of Michigan.
2. If the interpreter is not enrolled as a provider with the State of Michigan, the provider will need to register as a payee/vendor on [SIGMA Vendor Self Service \(VSS\)](#). For Further Assistance regarding SIGMA visit the VSS website or call 888-734-9749.
3. Obtain an invoice from the provider. The invoice must contain the following information:
 - Provider's federal identification number or SSN.
 - Provider's credentials, standard level, and endorsements.
 - Number of billable units/hours.
 - Rate.
 - Customer name and address.
 - A description of the setting and the service provided.
 - Total cost.

Note: The invoice or bill obtained from a vendor/provider may be original, faxed, copied, scanned, or emailed.

All requests for reimbursement must include a completed MDHHS-5602, Payment Voucher, and a copy of the provider's invoice indicating total cost. Submit the memo and MDHHS-5602 with the invoice, per the local business office process.

Direct Human Service Contractors/Private Child Placing Agency Process

Contractors are required to first pay the service provider and then submit a reimbursement request to the local office MDHHS monitoring caseworker for reimbursement to their agency.

Include the following supporting documentation with the request for reimbursement:

1. An agency invoice on agency letterhead billing MDHHS for the amount indicated on the provider's invoice. The agency invoice must include:
 - Full name of the service provider.
 - A statement indicating the interpreter met the standard practice level guidelines for the setting in which the service was provided.
 - Total cost.
2. Copy of the provider's invoice. The invoice must contain the following information:
 - Provider's Federal ID no. or SSN.
 - Provider's credentials, standard level, and endorsements.
 - Number of billable units/hours.
 - Rate.
 - Customer name and address.
 - A description of the setting and the service provided.
 - Total cost.
3. Copy of the check issued to pay the service provider.

Contractors must submit their invoice and supporting documentation as soon as payment has been made to ensure prompt reimbursement. Incomplete or incorrect reimbursement requests will be returned for correction.

RESOURCES

The [Division on Deaf, Deafblind, and Hard of Hearing](#) within the Michigan Department of Civil Rights is available to provide technical assistance on issues relating to effective communication.

The Division on Deaf, Deafblind, and Hard of Hearing also publishes a [directory](#) of all qualified interpreters holding the Michigan certification, information on interpreter referral agencies and private practice interpreters, and interpreter education & sign language programs.

[Michigan Department of Health and Human Services \(MDHHS\)/Inside MDHHS/Legal/Equal Opportunity](#)

[Michigan Department of Civil Rights](#)

[Michigan Disability Resources/Complaint Process](#)

[Department of Homeland Security Office for Civil Rights and Civil Liberties; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons](#)

LEGAL BASE

Federal

Section 504, Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701

Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.

Title IV, XIX, and XX of the Social Security Act

State

Deaf Persons' Interpreters Act, 1982 PA 204, as amended, MCL 393.501 et seq.

Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended, MCL 37.1101 et seq.

The Social Welfare Act, 280 PA 1939, MCL 400.57g

CONTACT

For technical assistance email the [Division on Deaf, DeafBlind, and Hard of Hearing Mailbox](#) or call 313-437-7035.

For assistance with child welfare issues email the [Child Welfare Policy Mailbox](#).